

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STANLEY E. BOYD,)
Petitioner,)
v.) No. 4:91CV01428 ERW
PAUL K. DELO,)
Respondent.)

MEMORANDUM AND ORDER

This matter comes before the Court on remand from the Eighth Circuit Court of Appeals, in light of *Tiedeman v. Benson*, 122 F.3d 518 (8th Cir. 1997), for the purpose of determining whether to issue a certificate of appealability as to this Court's recent denial of Petitioner Boyd's Motion under Federal Rule of Civil Procedure 60(b)(6).

In denying Petitioner's Motion, this Court discussed and interpreted a one-paragraph Order [ECF No. 3] issued by the Eighth Circuit, relating to the relevant procedural defaults at issue in Petitioner's habeas case [*See* ECF No. 55 at 15-20]. Reasonable jurists might find this Court's interpretation of said Order to be debatable. However, a certificate of appealability may only be issued when "the applicant has made a substantial showing of the denial of a constitutional right." *See Slack v. McDaniel*, 529 U.S. 473, 483 (2000) (quoting 28 U.S.C. § 2253(c)(2)). As to Claims 3, 8, and 10, this Court finds Petitioner has made no such showing. Therefore, the Court shall not issue a certificate of appealability as to Petitioner's Rule 60(b) Motion.

Accordingly,

IT IS HEREBY ORDERED that no Certificate of Appealability will be issued.

Dated this 20th Day of April, 2015.


E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE